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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/624,451 | 07/21/2003 | Sunmi Chew | 021629-000400US | 5568 |

20350 7590 01/25/2007
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| EXAMINER |
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HO, UYEN T

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| ART UNIT | PAPER NUMBER |
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3731

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/25/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|-------------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/624,451 | Applicant(s) CHEW ET AL. | |
| | Examiner (Jackie) Tan-Uyen T. Ho | Art Unit 3731 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-17, 20-27, 29 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20-27, 29, 33 and 35-42 is/are rejected.
- 7) ☒ Claim(s) 12, 14-17, 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11, 20-27, 29, 33, 35-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaknovich (5,807,398). Shaknovick discloses a flexible catheter (7, 12), a stenting structure comprising a plurality segment/portions (3a) releasably held by the catheter body (12, 7, fig. 5), a deployment mechanism (8) coupled to the catheter body (fig. 2, 5) adapted to apply a radially outward force along a selected length or segment of the stenting structure to deploy a portion or a segment of the stenting structure and the deployed segment/portion is released into a vessel while other segment/portions of the stenting structure remains releasably held by the catheter body (12) in an unexpanded configuration.

Regarding claim 2, the deployment mechanism being adapted to deploy one or two segments (3a) such that one or more segments are included in the deployed portion.

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Regarding claim 3, the deployment mechanism is adapted to deploy the plurality of stent segments simultaneously.

Regarding claims 4-5, a constraining element (retractable sheath 13 or pulling apart sleeves 14),

Regarding claim 6, the deployment mechanism is a balloon

Regarding claim 7-8, the balloon can be selected as claimed if one desired to do so and it can be modified by a sheath. Note: the sheath was not claimed.

Regarding claim 9, stent positioner/shuttle (1)

Regarding claim 10, a valve member (5) for separate the portion of the stent structure to be deployed.

Regarding claim 11, the stent structure has a leading end closet to the distal end of the catheter and the portion of the stenting structure to be deployed extends proximally a selectable length from the leading end thereof (figs 3-5, 9).

Regarding claims 20-27, 29, 36-42, uncovering the stent structure prior to deployment , determining a desired stent length which is the first (3a) section (fig. 5), adjusting the length of the uncovered by advancing the first. (3a) section distally the catheter (12), and expanding the balloon (8) to deploy the first (3a) section while other (3a) sections remains covered in the catheter (12, fig.5),

Regarding claims 21-22, the step as claimed are carried out as advancing catheter (7) or retracting catheter (12) to uncover the first (3a) section

Regarding claim 23, the step of determining a second stent length different than the desired stent length/section is carried out as releasing the second (3a) section in the

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vessel. The second (3a) section has its length as the second length and the first (3a) section has its length as a first desired stent length.

Regarding claim 24, adjusting the length of the expandable to be at least as long as the uncovered portion of the stent by position the balloon (8) within the deployed section.

Regarding claim 25, the stent structure comprises a plurality of stent segments (3a).

Regarding claims 26-27, the segments are connected by member (5) but a not directed connected to each other

Regarding claim 29, a sheath (13) covers the stent segments

Regarding claim 33, adjusting the length of the uncovered portion including the step of engaging a valve member 5 between the segments of the stenting structure

Allowable Subject Matter

4. ~~Claim 12, 14-17~~³⁴ Claims 12, 14-17³⁴ are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to disclose a method as claimed comprising the step of adjusting the length of the uncovered portion including the step of engaging a valve member at a distal end of the sheath against the stenting structure. The prior art also fails to disclose a stenting structure is continuous throughout the length and the deployment mechanism is

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adapted to engage a selected location along the stenting structure to separate the portion of the stent structure to be deployed from a remaining portion.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

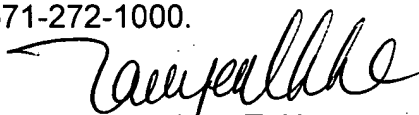
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



(Jackie) Tan-Uyen T. Ho
Primary Examiner
Art Unit 3731

January 20, 2007